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United States District Court
Southern District of New York

J. Eason-Sands,

Plaintiff,

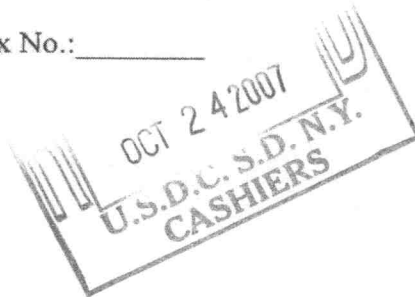
- against -

Kings Harbor Multicare Center a/k/a
Bronx Harbor Health a/k/a
Bronx Harbor Health Care Complex, Inc.
a/k/a Kings Harbor Health Services, LLC,

Defendant.

07 CIV 9505

Index No.: _____



COMPLAINT

Plaintiff, complaining of the Defendant by her attorney, David Abrams, Attorney at Law, respectfully sets forth and alleges as follows:

I. Introduction

1. This is an action for unpaid overtime under the Fair Labor Standards Act and New York Wage & Hour Regulations. Plaintiff complains individually and on behalf of other current and former employees of the Defendant pursuant to 29 U.S.C. 216(b).

II. Parties

2. Plaintiff J. Eason-Sands is a natural person residing in the State of New York, County of Bronx.

3. Upon information and belief, defendant Kings Harbor Multicare Center a/k/a Bronx Harbor Health a/k/a Bronx Harbor Health Care Complex, Inc. a/k/a Kings Harbor Health Services, LLC, (the "Employer") is a New York business corporation or limited

liability company with a principal place of business at 2000 East Gun Hill Road, Bronx, New York, 10469.

III. Venue & Jurisdiction

4. Venue in the Southern District of New York is appropriate pursuant to 28 U.S.C. Section 1391(b)(1) in the Employer resides in the Southern District of New York.

5. Subject matter jurisdiction over this action exists pursuant to 28 U.S.C. Sections 1331 and 1367 in that a claim is made that arises under the laws of the United States, specifically the Fair Labor Standards Act and the remaining claims form part of the same case or controversy.

6. Personal jurisdiction exists over the Employer in that it resides in the State of New York.

IV. Background

7. Upon information and belief, the Employer operates a nursing home and/or residential care facility.

8. Ms. Eason-Sands was employed by the Employer, including any predecessors in interest.

V. Causes of Action and Demand for Relief

Count One: Violation of the Fair Labor Standards Act

9. The allegations contained in paragraphs 1 through 8 are incorporated as if restated herein.

10. Plaintiffs were employees of the Employer within the meaning of the Fair Labor Standards Act.

11. Upon information and belief, the Defendant was an employer within the meaning of the Fair Labor Standards Act and subject to the same Act.

12. The Employer violated the Fair Labor Standards Act in that it did not properly compensate plaintiffs for the overtime they worked.

Count II: Violation of New York Wage & Hour Law

13. The allegations contained in paragraphs 1 through 12 are incorporated as if restated herein.

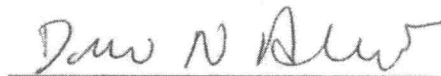
14. Ms. Eason-Sands was an employee of the Employer within the meaning of New York Wage Regulations, specifically N.Y.C.R.R. Labor Section 138 et seq.

15. The Employer was an employer within the meaning of those same regulations.

16. The Employer violated the above regulations in that it did not compensate Ms. Eason-Sands for the overtime hours she worked and violated the State Wage & Hour Law by not paying Ms. Eason-Sands for hours worked.

WHEREFORE Plaintiffs demands judgment against the Employer in the amount of their unpaid overtime and/or wages, together with liquidated and other multiple damages, costs, fees, interest; certifying this matter as a collective action with adequate notice to be supervised by the Court and awarding appropriate relief; and such other and further relief that the Court deems just.

Respectfully submitted,



David Abrams (DA-8126)
Attorney for Plaintiff
J. Eason-Sands

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Dated: New York, NY
October 24, 2007